

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 11-10760-GAO

BRANDON ROBERTS,
Plaintiff,

v.

PETER ST. AMAND, et al.,
Defendants.

ORDER
July 22, 2016

O'TOOLE, D.J.

On September 15, 2015, the plaintiff filed a Second Amended Complaint. On November 16, 2015, one defendant, Thomas Neville, moved to dismiss the complaint and alternately for summary judgment. On March 1, 2016, the Court issued an electronic order informing the plaintiff that an opposition to the defendant's motion was overdue and that failure to submit a response to it within twenty-one days of the electronic order might result in the amended complaint being dismissed. The docket reflects that a copy of the docket sheet was mailed to the plaintiff at his address on file, and an internal staff note documents that a paper copy of the warning was mailed to him. On April 12, 2016, well past the extended deadline, the plaintiff having failed to respond, the Court dismissed the amended complaint.

The plaintiff now moves the Court to "alter or amend" the order of dismissal and reopen the case. The plaintiff does not suggest that he did not receive a copy of the motion to dismiss or for summary judgment itself after it was filed in November 2015. He does claim, however, that he never received a copy of the Court's March 1, 2016 order. He also claims that on March 15, 2016—well after the period of time provided by the relevant rules—he filed a motion for enlargement of

time to file an opposition to the then-pending motion to dismiss and a request for additional summonses. No such submission is reflected on the docket.

In light of the plaintiff's *pro se* status and the recent health issues to which he alluded in his motion, the Court will grant the plaintiff an additional twenty-one (21) days from the date of this Order in which to respond to the defendant's motion to dismiss or for summary judgment. Failure to respond will result in the denial of the plaintiff's Motion to Alter or Amend Judgment as to Neville and the dismissal will stand.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge